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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/762,737  | 01/21/2004  | Dawn Haley           | 29940/95444         | 5618             |
| 23644   | 7590        | 11/02/2004           | EXAMINER            |                  |
| BARNES & THORNBURG<br>P.O. BOX 2786<br>CHICAGO, IL 60690-2786 |             |                      | TRAIL, ALLYSON NEEL |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2876                |                  |

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,737

Applicant(s)

HALEY, DAWN

Examiner

Allyson N Trail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/7/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 4, 6, 12, 13, and 16 are objected to because of the following informalities:

Re claims 1, 6, 12, 13, and 16, line 1: replace "the establishment" with --an establishment--.

Re claim 4, line 2: replace "the purpose" with --a purpose--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Skantze et al (2002/0053596).

Skantze et al teaches the following in regards to claims 1-4 and 12:

Figures 7 and 8 show the front and back of a business card. The card includes agent information on the front of the card, including contact indicia, such as a phone number. The front of the card also includes the job title of the agent, which may indicate the purpose of the card. The back of the card includes an

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area for printing date, time, purpose, and comments. Client indicia therefore may be printed on the back side of the card.

Although Skantze does not specifically teach a real estate agency, it does teach a card including printed matter on both the front and the back of the card. Case law states that nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. Cf. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

In the present case, simply printing specific words on the card does not change the nature of Skantze et al's business card with printed matter used to establish a relationship with the card owner and the recipient of the card.

Additionally, it is common practice to have the client of a real estate agent present his or her card (including his or her agent's information) to other agents. For example in an open house, the client will present the their agent's card to selling agent.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 5, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skantze et al (2002/0053596) in view of Bisson (2004/0104269).

Skantze et al's teachings are discussed above. Also discussed above is the common practice of relaying card information to one or both of the seller and the seller's agent (regarding claim 14). Skantze et al fails to teach the card including a magnetic strip relating to agent indicia.

Bisson teaches the following in regards to claims 5, 13, and 16:

"In another embodiment, business cards with magnetic strips encoded with information on the business card would be produced to facilitate transfer of information (name, company, address, phone no., email address, other) on the business card to a PC based address book, database or other program. One distribution method would be to include a magnetic strip reader, multiple readers, with each order of new business cards with encoded magnetic strips. Distribution may also include programs in which a pack of business cards representing multiple individuals are distributed via methods discussed elsewhere in this document." (Paragraph 0104).

In view of Bisson's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include on the business card a magnetic strip containing information about the agent. Skantze et al teaches digitizing the contents of the business card for easy access to card information. One would be motivated to also include on Skantze et al's card a magnetic strip in order to use the card for access to various sites or information.

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6. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skantze et al (2002/0053596) in view of Schnitzer et al (5,915,733).

Skantze et al's teachings are discussed above. Also discussed above (regarding claims 8-11) is the case law which states that when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. Skantze et al fails to teach a printed sheet with a card attached via perforated edge.

Schnitzer et al teaches the following in regards to claims 6 and 7:

Figure 1 shows a printed sheet with a card attached thereto via a perforated edge. The printed sheet 10 is connected to a detachable card 20. The card is attached to the sheet with a perforated edge.

In view of Schnitzer et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include a printed sheet attached to the card. Schnitzer et al teaches the back of the card including an area for comments. One would be motivated to include an entire printed sheet in addition to the business card in order to give the client more information about the owner of the business card.

7. Claims 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skantze et al (2002/0053596) in combination with Bisson (2004/0104269) and in further view of Rak (4,642,631).

Skantze et al's teachings in combination with the teaching of Bisson are discussed above. Regarding claim 18, Bisson teaches an output means on the magnetic card reader for outputting the information to a computer device. The

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combination however, fails to teach a using the magnetic strip on the business card to printed sheet with a card attached via perforated edge.

Rak teaches the following in regards to claim 17:

“There are numerous types of security systems and various coding schemes which are more or less useful to secure or operate the locks of cars, homes or the like. Some of these systems are quite simple and handy but offer only a minimum of protection and security, whereas others are highly sophisticated with electronic or otherwise coded devices. Such coded devices may include a magnetic card strip inserted into a card reader for reading the information coded on the card.” (Col. 1, lines 12-21).

In view of Schnitzer et al's teachings in combination with the teachings of Bisson, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the business card, including a magnetic strip to be able to unlock locks at different properties. Schnitzer et al in combination with Bisson teach a business card including a magnetic strip used to further identify information regarding the agent. Unlocking devices such as Schnitzer et al discloses use a magnetic strip to unlock a house lock. One would be motivated to have the magnetic strip agent card incorporate the ability to unlock locks. By having the agent card with the magnetic strip unlock property locks, the agent would have less to carry. A key or other type of unlocking device would no longer be needed.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Long (6,572,149), Bullen (2004/0113418), Blank (5,997,042), and Ulrich et al (2001/0014378).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].



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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
October 31, 2004

*Jared J. Fureman*  
**JARED J. FUREMAN**  
**PRIMARY EXAMINER**